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Attorneys for WILMINGTON SAVINGS FUND SOCIETY, FSB, AS TRUSTEE OF  
STANWICH MORTGAGE LOAN TRUST F

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF WASHINGTON (SPOKANE/YAKIMA)

In re

NORAILLA VALADEZ and ARMANDO  
VALADEZ,

Debtor.

Case No. 20-00950-WLH13

Chapter 13

OBJECTION TO CONFIRMATION OF  
CHAPTER 13 PLAN

341(a) MEETING:

DATE: 6/10/2020

TIME: 10:00 AM

PLACE: Telephonic

CONFIRMATION HEARING:

DATE: 6/30/2020

TIME: 10:00 am

CTRM: Telephonic

Wilmington Savings Fund Society, FSB, as trustee of Stanwich Mortgage Loan Trust F  
(hereinafter "Creditor"), secured creditor of the above-entitled Debtor, (hereinafter "Debtor"), hereby  
objects to the Chapter 13 Plan filed by Debtor in the above-referenced matter. Carrington Mortgage  
Services acts as the servicing agent for Creditor. The basis of the objection is stated below:

1)

**STATEMENT OF FACTS**

i) On or about October 16, 2008, Debtor, for valuable consideration, made, executed and

delivered to Creditor a Promissory Note in the principal sum of \$234,693.00 (the "Note"). Pursuant to the Note, Debtor is obligated to make monthly principal and interest payments. A copy of the Note is attached hereto as **Exhibit A** and incorporated herein by reference.

ii) On or about October 16, 2008, Debtor made, executed and delivered to Creditor a Deed of Trust (the "Deed of Trust") granting Creditor a security interest in certain real property located at 630 Westwind Drive, Zillah, WA 98953 (hereinafter the "Subject Property"), which is more fully described in the Deed of Trust. The Deed of Trust was recorded on October 24, 2008, in the official records of the Yakima County Recorder's office. A copy of the Deed of Trust is attached hereto as **Exhibit B** and incorporated herein by reference.

iii) On or about May 1, 2020, Debtor filed a Chapter 13 bankruptcy petition. Debtor's Chapter 13 Plan provides for payments to the Trustee in the sum of \$613.00 per month for (36) months. However, the Debtor's Chapter 13 Plan makes no provision for the cure of Creditor's pre-petition arrears.

iv) The pre-petition arrearage on Creditor's secured claim is in the sum of \$153,329.61.

v) Debtor will have to increase the payment through the Chapter 13 Plan to this Creditor by approximately \$2,555.50 monthly in order to cure Creditor's pre-petition arrears over a period not to exceed 60 months.

Creditor now objects to the Chapter 13 Plan filed herein by the Debtor.

2)

### **ARGUMENT**

Application of the provisions of 11 United States Code section 1325 determines when a plan shall be confirmed by the Court. Based on the above sections, as more fully detailed below, this Plan cannot be confirmed as proposed.

a) **DOES NOT MEET FULL VALUE REQUIREMENT**  
11 U.S.C. 1325(a)(5)(B)(ii).

Amount of Arrearage Not Correct. The pre-petition arrears specified in the Chapter 13 Plan are \$0.00. The actual pre-petition arrears equal \$153,329.61 based on Creditor's Proof of Claim. As a result, the Plan fails to satisfy 11 U.S.C. 1325(a)(5)(B)(ii).

1 **b) PROMPT CURE OF PRE-PETITION ARREARS**

2 11 U.S.C. 1322(d).

3 Debtor will have to increase the payment through the Chapter 13 Plan to this Creditor by  
4 approximately \$2,555.50 monthly in order to cure Creditor's pre-petition arrears over a period not to  
5 exceed 60 months.

6 WHEREFORE, Creditor respectfully requests:

- 7 i) That confirmation of the Debtor's Chapter 13 Plan be denied;  
8 ii) Alternatively, that the Plan be amended to reflect that the pre-petition arrears listed in  
9 Creditor's Proof of Claim be paid within a period not exceeding 60 months; and  
10 iii) For such other and further relief as this Court deems just and proper.

11 Respectfully submitted,

12  
13 Dated: June 18, 2020

ALDRIDGE PITE, LLP

14  
15 /s/ Jesse A.P. Baker  
16 JESSE A.P. BAKER, WSBA #36077  
17 Attorneys for Movant WILMINGTON SAVINGS  
18 FUND SOCIETY, FSB, AS TRUSTEE OF  
19 STANWICH MORTGAGE LOAN TRUST F  
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UNITED STATES BANKRUPTCY COURT  
DISTRICT OF WASHINGTON

CASE NO. 20-00950-WLH13

CERTIFICATE OF SERVICE BY MAIL

I, Shannon Kilgore, am employed in the County of Fulton, Georgia, and I am over the age of eighteen (18) years, and not a party to the within action. My business address is 4375 Jutland Drive, Suite 200; P.O. Box 17933, San Diego, CA 92177-0933.

I caused the attached OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN to be served and REQUEST FOR SPECIAL NOTICE by placing a true copy thereof in an envelope addressed to:

SEE ATTACHED SERVICE LIST

which envelope was then sealed and postage fully prepaid thereon, and thereafter, on, June 18, 2020, deposited in the United States Mail at San Diego, California. There is regular delivery service between the place of mailing and the place so addressed by the United States Mail.

I certify under penalty of perjury that the foregoing is true and correct.

Dated: June 18, 2020

Shannon Kilgore  
SHANNON KILGORE

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**SERVICE LIST**

**DEBTOR(S)**

Norailla Valadez  
630 Westwind Drive  
Zillah, WA 98953

Armando Valadez  
630 Westwind Drive  
Zillah, WA 98953

**DEBTOR(S) ATTORNEY**

Benjamin J Riley  
Saxton Riley & Riley, PLLC  
1112 Meade Ave  
Prosser, WA 99350  
ben@saxtonriley.com

**CHAPTER 13 TRUSTEE**

Daniel H. Brunner  
P.O. Box 1513 Spokane, WA 99210-1513 ch13trustee@spokane13.org

**BORROWER(S)**

Armando Valadez